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TRUDI G. MANFREDO, Bar No. 166474  
THE LAW OFFICE OF TRUDI G. MANFREDO  
545 East Alluvial, Suite 112  
Fresno, California 93720  
Telephone: (559) 449-9069  
Facsimile: (559) 449-9016

Attorney for RANDELL PARKER  
CHAPTER 7 TRUSTEE

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION**

In the Matter of	)	Case No. 09-60760-A-7
	)	
DOLORES ANN SMITH, fka	)	Chapter 7
DOLORES ANN ROBERTS,	)	
	)	DC No: TGM-5
Debtor.	)	
	)	Date: September 21, 2010
	)	Time: 1:30 p.m.
	)	Dept. A, 1300 18th Street
	)	Bakersfield
	)	The Honorable Whitney Rimel

**TRUSTEE'S MOTION FOR AUTHORITY TO SELL REAL PROPERTY**

RANDELL PARKER, Chapter 7 Trustee of the above-captioned case ("Trustee"), respectfully represents as follows:

1. Trustee is the duly appointed qualified and acting Trustee of the above referenced Bankruptcy Estate.

2. Debtor filed for relief under Chapter 7 of the Bankruptcy Code on November 3, 2009.

3. This Court has jurisdiction over this proceeding under 28 U.S.C. § 1334(a). This is a core proceeding under 28 U.S.C. §157(b)(2)(A) and (N). This motion is brought pursuant to 11 U.S.C. §363(b).

1           4.     Venue is proper in this Court pursuant to 28 U.S.C §  
2     1409(a) by virtue of the pendency of this case before the Court.

3           5.     One of the assets of the bankruptcy estate is real  
4     property located at 5655 Taft Highway, Bakersfield, California  
5     ("Real Property") more particularly described in the Preliminary  
6     Title Report, a true and correct copy of which is filed  
7     concurrently herewith and incorporated herein by reference as  
8     **Exhibit A.**

9           6.     Trustee sought authorization to employ Remax Magic,  
10    Inc., 201 New Stine Road, Suite 300, Bakersfield, CA 93309 as  
11    broker, which authorization was approved on March 29, 2010.

12          7.     Trustee has received an offer from Ajitpal and Karamjit  
13    Tiwana, or nominee, ("Buyers") to purchase the Real Property for  
14    \$46,000.00. A true and correct copy of the Agreement between  
15    Buyer and Trustee is filed concurrently herewith and incorporated  
16    herein by reference as **Exhibit B.** Buyer has deposited \$1,000.00  
17    into escrow which is non refundable if Buyer fails to perform.

18          8.     The purchase price agreed upon with the Buyer is the  
19    highest and best offer received by the Trustee to date. The  
20    trustee believes the offer is reasonable.

21          9.     Although title to the real property is held in the name  
22    of Frederick C. Smith and Dolores A. Smith, Husband and Wife, as  
23    joint tenants, Trustee is informed and believes and based on  
24    Debtor's statements made at the meeting of creditors and her  
25    Schedule I, Mr. Smith is deceased.

26          10.    According to the Preliminary Title Report, there are  
27    delinquent property taxes owed in the approximate amount of  
28    \$1,034.44.

1           11. Trustee will incur a broker's commission at 6% in the  
2 sum of \$2,760.00 to his broker who is representing both buyer and  
3 seller. Trustee requests that the commission be authorized to be  
4 paid out of escrow to the brokers.

5           12. Assuming 2% cost of sale, the net to the estate will be  
6 approximately as follows:

7           Sales Price:	\$46,000.00
8           Broker Commission:	( 2,760.00)
9           Cost of Sale:	( 920.00)
9           Property Taxes:	(1,034.44)

10                   Total:                   \$41,285.56

11           13. Trustee has determined that there will be no adverse  
12 tax consequences.

13           14. Trustee believes that it is in the best interest of the  
14 estate and creditors to sell the property to Buyers on the terms  
15 stated in the Purchase Contract. Trustee does not believe he can  
16 receive a better price if the property stays on the market for a  
17 longer period of time.

18           15. Because the actual payoffs on the liens may vary up or  
19 down, the net to the estate may vary.

20           16. This offer is subject to higher and better bids  
21 received on or before the date of the hearing. All bids must be  
22 in writing and have no contingencies, and potential bidder must  
23 bring certified funds in the amount of \$1,000.00 made payable to  
24 the Bankruptcy Estate of Dolores Ann Smith which is refundable if  
25 that bid is not the highest bid. Any over bid must be in  
26 \$1,000.00 increments.

27           17. Trustee also requests that the ten day provision of  
28 Fed. B. Bankr. P. Rule 6004(g) be waived.

